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Human rights situations that require the Council's attention

Joint written statement* submitted by International Educational Development, Inc., Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Treatment of ethnic nationalities in Myanmar*

International Educational Development, Inc. (IED) and the Association of Humanitarian Lawyers (AHL) have monitored the situation in Myanmar for 24 years.[1] We have submitted written statements and made oral ones at many sessions and have been twice invited by the United States Congress to present testimony at hearings. Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) has also monitored the situation in Myanmar for many years and joins this statement.

Last August, IED and AHL called attention to the escalating violence against Rohingya Muslims in Myanmar in a written statement (A/HRC/24/NGO/92) to this body. The intervening months demonstrated the alarming endurance of that disturbing ethnic persecution, with the displacement, beating, or slaughter of yet more innocents at the hands of predominantly Buddhist mobs. The death count still rising, the international community has shamefully taken little action to pressure the much-trumpeted "democratic" government of Myanmar into getting a grip on this out of control mob-rule. Indeed, the government of Myanmar has openly denied that the violence is even occurring.

According to a UN report, on January 9th, eight Rohingya men were killed in the Du Chee Yar Tan village. After a police sergeant was killed in the intervening days, on January 13th, a violent Buddhist mob vengefully slaughtered forty Rohingya men, women, and children.[2]

We thank the High Commissioner for Human Rights, Navi Pillay for her strong words on the massacre: "I deplore the loss of life in Du Chee Yar Tan and call on the authorities to carry out a full, prompt and impartial investigation and ensure that victims and their families receive justice… By responding to these incidents quickly and decisively, the Government has an opportunity to show transparency and accountability, which will strengthen democracy and the rule of law in Myanmar."[3]

Yet, those essential touchstones of "transparency and accountability" and "democracy and the rule of law" appear to be beyond the reach of this so-called 'reformist' government. In what has become typical of the government's response to the severe persecution brought to bear on their Muslim population, a spokesman for the government denied any knowledge of the series of events, and even went so far as to suggest that these claims were intended to distract from the killing of the police sergeant.[4] *The New York Times* reported that a government-backed newspaper *The New Light of Myanmar* likewise declared that the Associated Press "falsely reports violence occurred in the Rakhine State," going so far as to state that such reports "seemed to instigate" the worsening situation.[5]

We lament the deaths of all victims of this spiraling cycle of violence. Tragically, the government denials of the ethnic violence against the Rohingya will only encourage the wounds of this persecution to fester and worsen. The government has failed hundreds of murdered Rohingya since 2012, and can now add forty-nine others to the growing list of casualties to its inaction; the blood of the forty-eight Rohingya men, women, and children as well as the police sergeant are on the government's hands in their silent complicity with this mob violence. The whole of Myanmar is victim to the government's failure to curb this violence.

Indeed, the ethnic violence against the Rohingya is the strongest indication of the fragility of the democratic reforms seen over the last several years, and highlights – once again – the lack of progress the country has made with respect to national reconciliation between the ethnic nationalities and the majority Buddhist-Burmese who together form the

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[1] Association of Humanitarian Lawyers researcher T.J. O'Sullivan assisted in the preparation of this document. IED/HLP use the term "Myanmar" under protest, as we have always viewed government that renamed Burma was *ultra vires* and hence had no legal authority to do so.

[2] "Top UN officials call for probe into latest violence in Myanmar's Rakhine state." *UN News Centre*, January 23, 2014. http://www.un.org/apps/news/story.asp?

[3] *Idem.*"

[4] Mullany, Gerry, "Report on Unrest Is at Odds With Account of Myanmar." *The New York Times*, January 24, 2014. http://www.nytimes.com/2014/01/25/world/asia/un-says-muslims-were-massacred-in-tense-myanmar-region.html (accessed February 11, 2014).

[5] Mullany, Gerry, *Idem.*

Union of Myanmar. As *The New York Times* describes, "Anti-Muslim feelings run deep in Myanmar, partly because the Rohingya, who number around one million and are the largest Muslim group in the country, are considered illegal immigrants. That sentiment, among the Buddhist-Burmese majority, is a legacy of colonial times, when large numbers of Indians were brought into Burma by the British. The Myanmar government refuses to use the term Rohingya, preferring to call the group Bengalis."

Neither the Rohingya nor the other ethnic nationalities of Myanmar have substantive form of representation or advocacy within the largely Buddhist-Burmese government – even the Parliament is dominated by former members of the military. The violence and conflict that has stretched well past the "democratic transition" of 2011 certainly speak to this fact. The UN Special Rapporteur, Tomas Ojea Quintana, is the only significant voice speaking on behalf of ethnic nationalities, but increasingly his cries for reform have been met by deaf ears due to the lack of international action to give his mandate teeth. We hope his mission on 14-20 February proves fruitful and look forwards to his report on it.

Much of the international community has all too willingly accepted or turned a blind eye to the deceit inherent in the government's refusal to recognize and respond to the violence against the Rohingya. The rush to capitalize on the development of a new economic partnership has meant that American and European commitment to human rights has taken on a secondary role – the lush investment opportunities have encouraged the United States and other countries to withdraw the pressure to reform too quickly.

The US authorities have gone so far as to cultivate military cooperation between the two countries, inviting observers from Myanmar to view US war games testing out jungle warfare tactics.[6] Military cooperation with a country that has so frequently and recently used military force on its own people undermines the mission of the United Nations and certainly belies many of the ideals upon which the US was founded. A letter from 133 groups representing ethnic nationalities put it well: "Allowing military engagement with the Burmese military without requiring the Burmese military to demonstrate an interest in reform and to adhere with our preconditions conveys an undeserved legitimacy on the Burmese military and will jeopardize our efforts to persuade the Burmese military to agree to national reconciliation."[7] We are gratified by legislation put forward by members of the US Congress to limit military engagement until vital human rights improvements are seen, and calls on the Obama Administration to reconsider its warming relationship with a government that has failed to improve the human rights situation in its own country so spectacularly over the last several years.

Recommendations:

1. **The Council should extend the mandate of Special Rapporteur Tomas Ojea Quintana.**
2. **The Council should encourage the Special Rapporteur for Truth, Justice, Reparation, and Guarantee of Non-Recurrence, Pablo de Greiff, to visit Myanmar to forward its national reconciliation.**
3. **The Council should call upon the government of Myanmar to take action to protect its Muslim populations.**
4. **All governments should recommit themselves to pressure the government of Myanmar to resolve its conflicts with ethnic nationalities peaceably and with deference to each group's sovereignty and limit any military cooperation until the human rights condition of that country has improved.**

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*Association of Humanitarian Lawyers (AHL) NGO(s) without consultative status, also share the views expressed in this statement.

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[6] Hirsch, Steve, "Critics accuse Obama of being too quick to court Myanmar's brutal generals." *Global Post*, February 5, 2014. http://www.globalpost.com/dispatch/news/regions/americas/united-states/140123/US-Myanmar-military-ties-human-rights-abuses (accessed February 11, 2014).

[7] Hirsch, Steve, *Idem.*